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NEW YORK EMPLOYEE RIGHTS LEGISLATION

The state has a number of restrictions in place concerning how employers can treat their employees. These restrictions include limitations on the disclosure of employee records, e.g. only with the consent of the employee, and a state prohibition on the use of polygraphs. Employers cannot demand the fingerprints of job applicants nor can they make inquiries about arrest records or past criminal investigations.

This is part of a larger state tradition of privacy protection for both employees and citizens. No employer can influence an employee's political activity, and any citizen can review and correct state files about themselves under the New York Fair Information Practices law (modeled on the Federal Privacy Act of 1974).

This situation is complicated, however, by the activities of local jurisdictions within the state. The city of New York, for example, has agreed to exchange tax information on individuals with the Internal Revenue Service. Both state and county law, especially in those counties that are part of the greater New York City area, have passed laws requiring employers to establish smoking policies in work and lounge areas.

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